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Proposed Rule Change – Senator Steve Erdman

RULE 11 – MOTIONS FOR DEBATE ON RULE CHANGES

All Rules of Procedure shall take precedence and hold priority over any motions for debate on changes to the rules.

Sec. 1. Motion, in Writing, Withdrawal, Parameters of Debate. (a) A motion when debating changes to the rules shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

(b) Once motions are stated they may be withdrawn or modified by the mover before a decision or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a viva voce majority vote of the elected members.

(c) The Speaker shall order the debate on the rules, shall set time parameters for debate on each proposed rule change, and shall allot up to eight hours of debate on any proposed rule change. Upon completion of the debate or expiration of the allotted time for debate as prescribed by the Speaker, which ever comes first, a record machine vote shall be taken to advance the proposed rule change. If there is a pending motion or amendment before the body when either the debate ends or the allotted time for debate expires, a record machine vote shall be taken on the pending matter followed by an immediate record machine vote to advance the proposed rule change. If the pending matter is an amendment to an amendment, following a record machine vote on the amendment to the amendment, a record machine vote shall be taken on the original amendment. If the original amendment has been divided, then the record machine vote shall be on the original undivided amendment being considered.

(d) If the Legislature has not adopted a permanent set of standardized rules by the 15th scheduled day of the session during an odd numbered year, a motion to adopt the previous year's set of standardized rules as amended shall be in order. A motion to adopt the previous year's set of standardized rules is neither amendable nor debatable.

(e) Because proposed rule changes effect parliamentary procedures rather than the constitutions or the state statutes, they shall require only one round of debate and shall not be subject to the three rounds of debate reserved for bills and resolutions for constitutional amendments.

Sec. 2. Proposals. Propositions considered for a standardized set of rules and propositions considered for changes in the rules shall take the form of a rules proposal and shall be known as a proposed rule change. Because proposed rule changes are neither bills nor resolutions, they must be submitted in a legible written form with new language to be added to the rule underlined or written in red ink and language to be deleted from the rule shown with a strike through.

Sec. 3. Ordering of Priority Motions. (a) Priority motions shall take precedence over and hold priority over non-priority motions, but shall not hold precedence over or hold priority over any of the Rules of Procedure. Priority motions shall take precedence in the following order:

- (1) To recess
- (2) To adjourn
- (3) Call the question
- (4) Motion to adopt temporary rules
- (5) For cloture
- (6) Motion to adopt permanent rules
- (7) To Recommit
- (8) To postpone to a time certain [Bracket]
- (9) To postpone indefinitely

Sec. 4. Priority Motions.

(a) Motion to Recess. (1) The motion to recess is a motion to temporarily suspend debate on a proposed rule change or an amendment to a proposed rule change. A motion to recess shall hold precedence over and hold priority over all other priority motions, but shall not be in order when another member is speaking or when a motion to adjourn or recess has just been defeated.

(2) Successive motions to recess for dilatory purposes shall never be in order and shall be subject to the dilatory rule.

(3) The motion to recess is not debatable, except that the Speaker shall be privileged to speak to the motion prior to any vote on such motion.

(4) The motion to recess shall be deemed successful whenever a viva voce majority of the members present agree.

(b) Motion to Adjourn. (1) The motion to adjourn is a motion to end debate on any rules proposals or other matters for the remainder of the day with the intention of returning for further debate on the rules at the next scheduled legislative day.

(2) A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn for dilatory purposes shall never be in order and shall be subject to the dilatory rule.

(3) When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn is not debatable.

(4) A motion to adjourn shall be deemed successful whenever a record majority of the members present agree.

(c) Motion to Call the Question. (1) A motion to call the question is a motion asking the presiding officer to end debate on a proposed rule change, an amendment, or a motion by calling

for the previous (concluding) question. A Senator making the motion for the previous question, shall ask the presiding officer to call for the previous question. The presiding officer shall then ask the body, "Shall debate cease?"

(2) At any time during a debate on a proposed rule change any member of the body wishing to end debate on a proposed rule change, an amendment, or a motion and who has been recognized by the presiding officer to speak may call for the debate to cease by calling for the previous question.

(3) A motion to call for the question shall be made only in the normal course of speaking order and shall be in order when demanded by ten or more members, and must be sustained by a record vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except a motion to recess or a motion to adjourn.

(4) On a motion to call the question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

(5) When the previous question shall have been ordered on a proposed rule change, the chair of the Rules Committee shall be given the right to close the debate thereon.

(6) A motion for the previous question shall be deemed successful by way of a record majority vote of the members present.

d) Motion to Adopt Temporary Rules. A motion to adopt temporary rules is a motion to adopt the rules from a previous session of the Legislature or another set of standardized rules until permanent rules have been so adopted. A motion to adopt temporary rules shall be deemed successful when passed by a record majority vote of the members elected. Once permanent rules have been adopted, the motion to adopt temporary rules shall be deemed out of order, except when preceded by a successful motion to suspend the rules.

(e) Motion to Adopt Permanent Rules. A motion to adopt permanent rules is a motion to adopt a set of standardized rules for the remainder of the Legislative session at hand. Any member of the Legislature may move to adopt a permanent set of standardized rules, provided that no permanent set of rules have yet been adopted. The presiding officer shall not recognize a motion to adopt a permanent set of rules unless such motion is supported by one tenth of the members elected and verified by a show of hands. A motion to adopt a permanent set of rules shall be deemed successful when passed by a majority roll call vote of the members elected.

(f) Motion for Cloture. (1) The motion for cloture is a motion to end debate on the current amendment to the rules under consideration and immediately proceed to voting on the proposal along with any pending amendments to the proposal which have already been recognized by the presiding officer during the course of the debate. At any time during debate on the rules the principal introducer of a proposed rule change under consideration or the chairperson of the rules committee may move for cloture to the presiding officer. Whenever a motion for cloture is

offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending motion to cease. A vote on the cloture motion shall then be taken.

(2) A motion for cloture on an amendment to a proposed rule change shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately and without debate.

(3) If any Senators have left the chamber, the presiding officer shall make a call of the house before voting on a cloture motion.

(4) A motion for cloture shall be deemed successful whenever two-thirds of the members voting Yea or Nay have cast their votes as Yea or Nay and no fewer than 25 Senators have cast a vote. A vote of Present/Not voting shall not be counted as a Yea or Nay vote when voting on a cloture motion.

(5) A motion for cloture which fails for lack of sufficient votes shall result in the debate on the proposed rule change ending for the day. When the Speaker chooses to resume debate on the proposed rule change, a motion for cloture shall be out of order. Debate may continue until time expires and a record vote shall then be taken on the proposed rule change.

(g) Motion to Amend. (1) A motion to amend is a motion to remove content and/or add content to a proposed rule change.

(2) A motion to amend shall be submitted in writing and shall contain the actual words to be added to a proposed rule change and/or the actual words to be stricken from a proposed rule change.

(3) During an odd numbered year or unless otherwise directed by the Speaker, and a motion to amend is under consideration, a motion to amend that amendment shall be in order.

(4) A motion to amend the rules shall be deemed successful by way of record majority vote of the members elected.

(h) Motion to Recommit. (1) The Motion to Recommit is a motion to remove a proposed rule change from debate and send it back to the Rules Committee for reconsideration and/or amending.

(2) A motion to recommit shall not be recognized by the presiding officer until after the introducer of a proposed rule change has opened by explaining the rule or the rule change for a period up to ten minutes.

(3) Any Senator filing a motion to recommit shall do so in writing to the Clerk.

(4) The presiding officer shall not recognize a motion to recommit unless such motion is agreed to by five or more members and is verified by way of a show of hands.

(5) A motion to recommit may only be filed once on a proposed rule change, except that this limitation shall not apply to the introducer of the proposed rule change. This rule shall apply even after the motion fails to be attested to by five or more members by way of a show of hands.

(6) A motion to recommit shall be deemed successful if three-fifths of the members of the Legislature agree by way of a record machine vote.

(i) Motion to Postpone to a Time Certain [Bracket]. (1) The motion to postpone to a time certain is a motion to postpone debate on a proposed rule change to another time or to another date. The motion to postpone to a time certain is also known as a bracket motion.

(2) A motion to postpone to a time certain [Bracket] shall not be recognized by the presiding officer until after the chair of the Rules Committee or the introducer of the proposed rule change has opened on the proposal by explaining the proposal for a period up to ten minutes.

(3) The presiding officer shall not recognize a motion to postpone to a time certain [Bracket] unless such motion is agreed to by five or more members and is verified by way of a show of hands.

(4) Any Senator filing a motion to postpone to a time certain shall do so in writing to the Clerk and indicate the time or the date when debate on such rule proposal or proposed rule change should reconvene.

(5) A motion to postpone to a time certain may only be recognized by the presiding officer once on a proposed rule change, except that this limitation shall not apply to the introducer of the proposed rule change. A Senator filing a second motion to postpone to a time certain on shall be deemed out of order.

(6) A proposed rule change successfully postponed to a time certain after sine die shall be subject to the rule to indefinitely postpone.

(7) A vote to postpone to a time certain [Bracket] shall be deemed successful when three-fifths of the members of the Legislature agree by way of a record machine vote.

(i) Motion to Postpone Indefinitely. (1) A motion to postpone a proposed rule change effectively kills it. A proposed rule change which has been indefinitely postponed means that no further action may be taken on the proposal.

(2) A motion to indefinitely postpone a proposed rule change shall not be recognized by the presiding officer until the proposal is read and the introducer of the proposal has been given up to ten minutes to open on the proposed rule change by explaining the proposal.

(3) The presiding officer shall not recognize a motion to indefinitely postpone a rules proposal or a proposed rule change unless such motion is agreed to by five or more members and is verified by way of a show of hands.

(4) The motion to indefinitely postpone a proposed rule change shall not be recognized by the presiding officer more than once for a proposal being debated. A member who files a second motion to indefinitely postpone a proposed rule change shall be deemed out of order. This rule shall apply even after the motion fails to be attested to by five or more Senators by way of a show of hands

Sec. 5. Incidental Motions. Incidental motions may pertain to correcting breaches of good parliamentary procedure.

(a) Motion of Germaneness. (1) No motion, proposition, or subject different from that under consideration shall be admitted under color of amendment. Any amendment that is not germane is out of order and is subject to the germaneness rule. Germane amendments relate only to the details of the specific subject of the bill or resolution and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject. A motion of germaneness shall be deemed successful whenever a viva voce majority of the members agree.

(b) Motion to Divide the Question. (1) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings.

(2) Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(3) A motion to divide the question shall be deemed successful whenever a viva voce majority of the members present agree.

(4) Following a successful vote of the members to divide the question, the Lieutenant Governor or the presiding officer shall decide how the question is to be divided. Such decision shall not be subject to any further debate.

(c) Motion for a Call of the House. (1) Members of the Legislature are expected to remain inside the chamber during floor debates; however, members of the body on occasion may have good reason to leave. When members are absent from the chamber and have not been excused, such members may be called to return to the chamber by way of a motion for a Call of the House.

(2) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call.

(3) If a majority of the members present and voting vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

(4) The presiding officer may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

(5) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

(d) Motion to Suspend for Dilatory Purposes. (1) Motions shall not be filed for dilatory purposes. If more than two motions are offered to a proposed rule change which are believed to delay progress of the debate, the Speaker or the principal introducer of the proposal may file a motion to suspend for dilatory purposes, stating that he or she believes the motions are being used for dilatory purposes. The motion to suspend for dilatory purposes shall be filed in writing with the Clerk and each motion charged with being dilatory shall be named and/or identified in the motion.

(2) The presiding officer shall recognize the Speaker and/or the principal introducer of the proposed rule change for five minutes to explain why the motions are of a dilatory nature. The presiding officer shall then recognize the Senator or Senators filing the motions for five minutes each to explain why such motions are not of a dilatory nature. The motion to suspend for dilatory purposes is a non-debatable motion and no Senator may yield time to another Senator.

(3) Without any further debate, the presiding officer shall ask, "Are the motions of a dilatory nature?" and a machine vote shall be taken among the members present.

(4) If the majority of the members present decide by way of a record machine vote that the motions are of a dilatory nature, the motions shall be withdrawn and the Senator or Senators who filed such motions shall be precluded from filing any further motions to the proposed rule change.